

REMARKS

Applicant has amended claims 1, 33, 35-67 and 104-107 as set forth above.

Claims 35-66 and 104-107 were amended to recite a computer readable medium instead of a computer program product to make them consistent with the preamble of claim 33.

Applicant greatly appreciates both the time and suggestions of Examiner Vanel Frenel and Supervisory Examiner Joseph Thomas to reach an agreement on the allowability of the pending claims over the cited prior art during the telephone interview on December 13, 2006. A summary of this discussion is set forth in Applicant's prior response and this current response. Applicant also appreciates the Office's assistance in resolving the ongoing USPTO mailing error in corresponding with the Applicant. In view of the following remarks, reconsideration of the outstanding office action is respectfully requested.

The Office has rejected claims 1-111 under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 5,704,045 to King et al (King), US Patent No. 6,119,093 to Walker et al (Walker), US Patent No. 6,604,080 to Kern (Kern) in view of US Patent Application Publication No. 2002/0035488 to Aquila et al (Aquila).

King, Walker, Kern, and Aquila, alone or in combination, do not disclose or suggest, "automatically identifying and designating a state fund for each state associated with said insurance insolvency . . . associating with said state fund an insurance account in the computer system" as recited in claim 1, "automatically identifying and designating a state fund for each state associated with said insurance insolvency . . . associating with said state fund an insurance account of a first type" as recited in claim 34, or "a designation system in the computer system that automatically identifies and designates a state fund for each state associated with the insurance insolvency . . . a state fund association system in the computer system associates with the state fund an insurance account" as recited in claim 67. Applicant notes with appreciation Examiner Vanel Frenel and Supervisory Examiner Joseph Thomas acknowledgement that the King, Walker, Kern, and Aquila, alone or in combination, do not disclose or suggest Applicant claimed invention as set forth above. The substance of Applicant's argument with respect to these references and discussed during the telephone interview is set forth in detail in Applicant's prior response and is incorporated herein by reference. Additionally, as discussed during the interview, the only mention of a guaranty fund in the Office's new citation to Kern is at col. 8, lines 47-54 and this only teaches the existence of a guaranty fund. The reminder of Kern at col. 8, line 55 to col. 9, line 30, merely discusses worker' compensation, not insurance insolvency as claimed. Accordingly, pursuant to the understanding reached during Applicant's telephone interview, the Office is

respectfully requested to reconsider and withdraw the rejection of claims 1, 33, and 67. Since claims 2-33 and 100-103 depend from and contain the limitations of claim 1, claims 35-66 and 104-107 depend from and contain the limitations of claim 34, and claims 68-99 and 108-111 depend from and contain the limitations of claim 67, they are distinguishable over the cited references and are patentable in the same manner as claims 1, 34, and 67.

Additionally, as discussed during the telephone interview, Applicant's respectfully traverse the finality of the current Office Action. In the Office Action dated February 9, 2006, the Office rejected claims 1-111 asserting:

King, Walker [Kern do] not explicitly disclose that method having associating with said insurance account least one line insurance identifying in the computer system least one of a state statute, regulation and rule relating to the at least one line insurance associated with the insurance account; and performing at least one insolvency related service in connection with said insurance solvency based on the identified least one a state statute, regulation ands le ands the least one line of insurance associated w the insurance account. However these features are known in the art, as evidenced by Aquila.

Accordingly, the Office clearly asserted that Kern did not disclose the features discussed above. Applicant traversed this rejection without any amendments to the claims. In the Final Office Action dated January 22, 2007, to reject claims 1-111 the Office now has asserted a new ground of rejection that the features discussed above are taught by Kern at Col.8, lines 47-67 to Col.9, line 30)." Since the Office has introduced a new ground of rejection that was not necessitated by Applicant's amendment of the claims (again no amendment of the claims was made by Applicant in the prior response), this Final Office Action is premature and should be withdrawn. Accordingly, a notice to that effect is respectfully requested.

In view of all of the foregoing, Applicant submits that this case is in condition for allowance and such allowance is earnestly solicited.

Respectfully submitted,

Date: February 12, 2007

/Gunnar G. Leinberg/
Gunnar G. Leinberg
Registration No. 35,584

NIXON PEABODY LLP
Clinton Square, P.O. Box 31051
Rochester, New York 14603-1051
Telephone: (585) 263-1014
Facsimile: (585) 263-1600